

**IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF OHIO EASTERN
DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN W. GOLD,

Defendant.

)
) **CASE NO: 1:18-CR-614**
)
) **Judge Dan Aaron Polster**
)
) **OPINION AND ORDER**
)
)
)

MEMORANDUM

Before the Court is Defendant John W. Gold's Emergency Motion for Release from Custody, **Doc #: 22**. For the following reasons, Gold's Motion is **DENIED**.

BACKGROUND

On October 17, 2018, Gold was indicted for Embezzlement Against an Estate in violation of 18 U.S.C. § 153, Aggravated Identity Theft in violation of 18 U.S.C. § 1028A(a)(1); and Bank Fraud in violation of 18 U.S.C. § 1344(2). Doc #: 4. An arrest warrant was issued for Gold that same day. Doc. #: 5. Gold evaded arrest until September 6, 2019, when he was arrested in Thailand. Non-document order dated September 6, 2019. On October 16, 2018, Gold waived a detention hearing and consented to be detained without bail. Doc #: 13.

Gold has since accepted a plea agreement whereby he plead guilty to all three charges. Doc # 20; Non-document order dated January 31, 2020. His sentencing is schedule to occur on

May 22, 2020. Gold now asks the Court that he be released until the sentencing. Doc #: 22. The Government filed a response on April 3, 2020. Doc #: 23.

ANALYSIS

A court must detain a person awaiting sentence unless it finds “by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community . . .” if released with or without conditions. 18 U.S.C. § 3143(a)(1).

The totality of Gold’s argument on this point is as follows: “Mr. Gold does not present a flight risk or pose a danger to any person or community should he be released.” Doc #: 22 at 4. Despite this conclusory sentence, the Court cannot find by clear and convincing evidence that Gold is not likely to flee. That Gold is a flight risk is obvious – he evaded arrest for 324 days before he was arrested in Thailand.

In truth, Gold is arguing that he should be released because CCA, the jail where he is housed, will likely become infected with COVID-19. Doc #: 22 at 4-8. While the Court recognizes the severity of COVID-19, Gold’s argument fails to show why he should be released. The CCA is taking the proper precautions to avoid a COVID-19 outbreak. Doc #: 23 at 4-6.

CONCLUSION

Accordingly, Gold’s Emergency Motion for Release from Custody, **Doc #: 22**, is **DENIED**.

IT IS SO ORDERED.

/s/ Dan Aaron Polster April 3, 2020

Dan Aaron Polster
United States District Judge